

Remarks

Status of application

Claims 1-43 were finally rejected and appealed. The Board affirmed the Examiner's rejection in a decision dated February 4, 2010. The Board's conclusion about how the cited prior art could be adapted/extended to re-create Applicant's claimed invention is predicated on technically incorrect assumptions (e.g., the Shih LDAP replication architecture cannot, from a technical standpoint, be retrofitted in the manner assumed by the Office). Nevertheless, Applicant assumes responsibility for having failed to adequately clarify the present invention in the claims, or failed to adequately educate the Office as to the underlying technology, or both. To remedy that situation, Applicant files herewith a Request for Continued Exam and has redoubled efforts to clarify the claimed invention by further amending the claims. Moreover, Applicant also concurrently files an Interview Request Form (PTOL-413a) to allow one of the inventors (Mr. Reiger) to review the technology to a sufficient degree to educate the Office as to the relevant technical background and problems involved and what *really* are feasible technical solutions.

Prior art rejections

The claims were finally rejected on the basis of: (1) Claims 1-8, 10-23, 25-32, and 34-43 were deemed unpatentable under 35 U.S.C. 102(e) as being anticipated by Shih et al. (US 6,615,223 81); and (2) Claims 9, 24 and 33 were deemed unpatentable under 35 U.S.C. 103(a) as being obvious over Shih as applied above, and in view of Riedel et al. Applicant has previously discussed these references in detail (e.g., in Applicant's Appeal Brief). Although it rejected Applicant's arguments with respect to the then-pending claims, the Board at least acknowledged in passing that some of the argued distinctions could form the basis of allowable claims if (better) reflected in the claim language (see, e.g., page 8 of the Board's Decision). To that end, the claims have been amended in an effort to adopt claim language setting forth additional distinctions.

The present invention offer a synchronous replication solution with asynchronous application, yielding a low-latency, high performance solution that preserves fidelity yet conserves resources. The claims have been amended to emphasize Applicant's approach

of synchronously replicating from the primary database to the replicate database at a remote site, and from there employing asynchronous replication against the replicate database. Synchronous replication combined with logical asynchronous replication yields all of the benefits of logical replication, including for example protection against corruption at the primary and lower resource impact to the primary. Moreover, the approach allows the replicate database to remain online for processing new transactions (e.g., decision support reporting transactions or the like). Shih, the reference that forms the basis of the 102 and 103 rejections, shares little in common with the foregoing. Shih performs replication but is specifically coming up with a solution that is not synchronous and is for an LDAP application which has no common schema between replication sites, thus requiring conflict resolution. The addition of Riedel does not cure this basic deficiency of Shih. It is respectfully submitted that the amended claims do not read on Shih's LDAP replication approach, nor do the claims read on the combination of Shih with Riedel.

Conclusion

In view of the foregoing remarks and the amendment to the claims, it is believed that all claims are now in condition for allowance. However to the extent that the Office remains unpersuaded, Applicant respectfully request a telephone interview before action is taken on this response. To that end, Applicant concurrently files an Interview Request Form.

Respectfully submitted,

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/John A. Smart/

John A. Smart; Reg. No. 34929
Attorney of record

201 Los Gatos - Saratoga Rd #161
Los Gatos, CA 95030-5308
(408) 884 1507
(815) 572 8299 FAX